RICHARD E. GARDINER

Attorney at Law

Suite 403 3925 Chain Bridge Road Fairfax, Va 22030

March 29, 2011

(703) 352-7276 (Phone) (703) 359-0938 (Fax)

Mark J. Langer Clerk United States Court of Appeals for the District of Columbia Circuit 333 Constitution Ave., N.W. Washington, D.C. 20001

Re: Heller v. District of Columbia, No. 10-7036 (argued November 15, 2010, Judges Ginsburg, Henderson, and Kavanaugh)

Dear Mr. Langer:

Pursuant to Federal Rule of Appellate Procedure 28(j), Appellants Dick Anthony Heller, et al. hereby advise the court of a pertinent new authority which held that "any law that would burden the 'fundamental,' core right of self-defense in the home by a law-abiding citizen would be subject to strict scrutiny." United States v. Masciandaro, No. 09-4839, 2011 WL 1053618, *12 (4th Cir. March 24, 2011).

Sincerely yours,

Richard E. Gardiner

CERTIFICATE OF SERVICE

T certify that on March 29, 2011, electronic copies of this letter were served through the Court's CM/ECF system, and paper copies were mailed by first-class mail, postage prepaid, to:

Todd S. Kim Solicitor General Office of the Attornev General 441 4th Street, NW, Suite 600S Washington, D.C. 20001

William J. Olson 370 Maple Avenue West Suite 4 Vienna, VA 22180-5615

Chrisellen Kolb
Deputy Chief, Appellate Division
USAO/DC
USAO/Appellate Division
555 Fourth Street, N.W. Room 8104
Washington, D.C. 20530

Matthew Shors O'Melveny & Meyers LLP 1625 Eve Street, NW Washington, D.C. 20006-4001

Paul R.Q. Wolfson Wilmer Culter Pickering Hale and Dorr LLP 1875 Pennsylvania Ave., NW Washington, DC 20006

Richard F. Gardiner